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SUBJECT: Dutch seek U.S. cooperation on marine conservation

¶1. Summary: During a recent meeting, an Agriculture Ministry official responsible for Law of the Sea issues inquired about U.S. position on three marine resources issues: cooperation on Regional Fish Management Organizations (RFMOs), genetic research on the high seas, and a third agreement under the UN Convention on the Law of Sea. Please see action request in para 5. End Summary.

¶2. Hans Nieuwenhuis, Policy Advisor for International Affairs in the Agriculture Ministry Department of Nature, asked Global Officer about the status of the Regional Fish Management Organization (RFMO) for the Northern Pacific Ocean. He said he understood that Russia, Japan and the U.S. were interested in creating a general RFMO that would cover all marine resources in the Northern Pacific Ocean, as a counterpart to the Southern Pacific RFMO established by Australia, New Zealand and Chile. In addition, he asked whether the U.S. would support a conference of all the RFMOs that deal with marine resources. Such a conference would be separate from the annual conference among RFMOs that deal only with tuna fish. Nieuwenhuis said the Dutch would be interested in working with the U.S. to organize such a conference.

¶3. Nieuwenhuis noted that the Dutch Government supported the establishment of a new legal framework under the Law of the Sea to control the extraction of living organisms from non-territorial waters for genetic research. He said the GONL did not support the U.S. position, which he said he understood to be that harvesting the seas for marine resources for genetic research and for food are sufficiently similar to be covered by the same agreements. However, the GONL also does not support the G-77 position that genetic research is "the common heritage of mankind" as defined in the UN Convention on the Law of the Sea. He said the EU position was that there should be a separate framework developed under the Law of the Sea to manage marine resources used for genetic research.

¶4. Additionally, Nieuwenhuis said the Dutch supported negotiation of a third implementing agreement under the Law of the Sea to cover biodiversity beyond national boundaries. He believes this is required under the 2002 World Summit for Sustainable Development which proposed the development of marine protected areas in international waters. Nieuwenhuis expressed the view that a network of marine protected areas outside territorial waters cannot be established without a third implementing agreement under the Law of the Sea. Nieuwenhuis said he understood that U.S. does not support negotiation of a new legal framework for genetic diversity and does not support a third implementing agreement under Law of the Sea. However, he said he hoped the U.S. and the G-77 countries could at least "agree to disagree" on how to best manage the exploitation of marine resources beyond territorial waters.

¶5. Action Request. Please provide guidance on the USG position on a new mechanism under the Law of the Sea to manage marine resources

from non-territorial waters. Additionally, please advise on the status of RFMO for the Northern Pacific region, and whether the U.S. would support the Dutch proposal for a global conference of non-tuna RFMO's.

ARNALL